

FIFTY-FOURTH DAY

(Continued)

(Thursday, June 2, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Leaves of Absence Granted

Senator Bracewell was granted leave of absence for today on account of illness on motion of Senator McDonald.

Senator Ashley was granted leave of absence for today on account of important business on motion of Senator Hudson.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Bell submitted the following report:

Austin, Texas,
June 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 71, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BELL, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
June 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 599, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
June 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 737 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Windham, Hull, Rust, Whitworth and Graham.

H. C. R. No. 125, Authorizing the Enrolling Clerk of the House to make a certain correction in House Bill No. 683.

H. C. R. No. 118, Suspending the Joint Rules in order that the House may take up House Joint Resolution No. 16 at any time.

H. C. R. No. 123, Granting permission to the House to adjourn from Thursday, June 2, to Monday, June 13, 1949.

H. C. R. No. 124, Granting each House permission to adjourn from Thursday, June 2, 1949 until Monday, June 6, 1949.

S. B. No. 180, A bill to be entitled "An Act providing for leaves of absence without loss of pay, time, or efficiency rating of all officers and employees of the State of Texas, any county, or political subdivision thereof, including municipalities, who are members of the National Guard of Texas or members of any of the Reserve Components of the Armed Forces, providing that the limitation as to the number of days allowed shall not apply to members of the Legislature, and declaring an emergency."

(With amendment)

S. B. No. 30, A bill to be entitled "An Act to authorize banks, building and loan associations, and Federal Savings and Loan Associations domiciled in this State to close their respective places of business at any time authorized by their board of directors and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act to amend Section 45 of Senate Bill 111, Chapter 61, page 100, of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, as amended by Acts of the 41st Legislature, Regular Session, 1929, Chapter 43, page 89, paragraph 1, relating to the selection of jurors for service in the District and County Courts, and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 120

The President laid before the Senate for consideration at this time:

H. C. R. No. 120, Commending the citizens of Goliad, Texas and Goliad County on their Bicentennial Celebration.

The resolution was read.

On motion of Senator Bell, and by unanimous consent, the resolution was considered immediately and was adopted.

House Concurrent Resolution 122

The President laid before the Senate for consideration at this time:

H. C. R. No. 122, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 549.

The resolution was read and was adopted.

Senate Concurrent Resolution 65

Senator Carney offered the following resolution:

S. C. R. No. 65, Providing for adjournment sine die on Tuesday, June 21, 1949.

Be it resolved by the Senate, the House of Representatives concurring, That the Regular Session of the Fifty-first Legislature shall stand adjourned sine die at 12:00 o'clock noon on Tuesday, June 21, 1949.

The resolution was read.

Hour for Executive Session

On motion of Senator Strauss and by unanimous consent, the Senate agreed to hold an executive session at 11:45 o'clock a.m. today.

Senate Bill 145 with House Amendments

Senator Lane called S. B. No. 145

from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Lane moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 195

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of Burleson High School: Barbara Ferguson, George Ayers, Thomas Collins, Harvey Fannon, Ray Gibson, Lowell Godfrey, Vera Mae Jewett, Zana Lemon, Patsy Levey, Louis McAlister, Loucille Millisons, Shelley Orr, George Moore, W. C. Richardson, Wayne Smith, Barbara Wood, Jeff Summers, accompanied by their superintendent, Mr. J. W. Norwood, and instructors, Mr. O. B. King and Miss Minnie Belle Booth, of Burleson, Texas; and

Whereas, These students have shown their desire to learn of the functions of their State Government so that upon reaching the age of voting they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students, their superintendent and instructors, by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, That we express our appreciation to these students and their escort for their visit; that a copy of this resolution, under seal of the Senate, be forwarded to each of the visiting members of Burleson Senior High School, to Mr. J. W. Norwood, Mr. O. B. King, and Miss Minnie Belle Booth, as evidence of this recognition, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 196

Senator Bullock offered the following resolution:

Whereas, The Senior Class of Scranton High School of Scranton, Texas, is on an educational tour of the City of Austin; and

Whereas, This group, along with their sponsor, Mrs. Murl Reed, are present in the Senate Gallery today; now, therefore, be it

Resolved, By the Senate of Texas, That we bid them a hearty welcome, and that copies of this resolution be forwarded to each member of this group.

The resolution was read and was adopted.

House Bill 250 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 250, A bill to be entitled "An Act creating a court of domestic relations of Potter and Randall counties, Texas; fixing its jurisdiction; fixing its term; providing a clerk; providing the manner of selection and compensation of the judge and other officers of said court; containing a savings clause; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 250, as amended, by striking out all below the enacting clause, and substituting in lieu thereof the following:

"Section 1. There is hereby created a Court of Domestic Relations in and for Potter County, Texas.

"Section 2. The Judge of the Court of Domestic Relations hereby established shall have such qualifications as are fixed by the Juvenile Board herein provided for, and shall be paid by the Commissioners' Court of Potter County, such salary as such Juvenile Board may fix, same to be paid out of the General Fund of the County in twelve (12) equal monthly installments.

"Said Court of Domestic Relations shall have jurisdiction of all cases involving adoptions, removal of disability of minority, change of name of persons, delinquent, neglected or dependent child proceedings, and all

jurisdiction, powers and authority now or hereafter placed in the district or county courts under the juvenile and child-welfare laws of this State; and of all divorce and marriage annulment cases including the adjustment of property rights involved therein, as well as cases of child support, alimony pending final hearing and adjustment of property rights as well as any and every other matter incident to divorce or annulment proceedings; and all other cases of Domestic Relations involving justiciable controversies and differences between parents or between them and their minor children which are now, or may hereafter be, within the jurisdiction of the district or county courts in the manner provided by Articles 2337, 2338-1, Revised Civil Statutes of Texas, 1925, Acts of the Regular Session of the 48th Legislature, 1943, Chapter 240, page 313, and Acts of the Regular Session of the 49th Legislature, 1945, Chapter 35, page 52, and any other article of the Civil or Penal Statutes of this State. It shall also have jurisdiction of all criminal cases involving crimes against children, the maximum punishment for which does not exceed two years in the penitentiary, or in which a fine or jail sentence may be imposed, including wife and child desertion, contributing to the delinquency of a minor, enticing a minor from legal custody as provided under Articles 602, 534 and 536 of the Penal Code of this State; and provided that all cases above enumerated may be instituted in, or transferred to said court.

"Section 3. When the Court of Domestic Relations is organized and the Judge thereof shall qualify, the County Judge of Potter County, and the Judges of the 108th Judicial District and of the 47th Judicial District may transfer to said Court of Domestic Relations all cases which may then be pending in their respective courts in Potter County, Texas, of which said Court of Domestic Relations is hereby given jurisdiction, including all filed papers and certified copies of all orders entered by them.

"Section 4. The said Court of Domestic Relations shall sit and hold court in Potter County, and shall maintain all necessary dockets and minutes therein. The Juvenile Board, herein provided for, shall have the power, authority and duty of appointing the Clerk of said Court in the same manner, and under the same con-

ditions, and for the same term of office, as is hereinafter provided in Section 6 for the appointment of the Judge of said Court. And, said Clerk shall also be subject to removal from office for the same reasons, and shall be entitled to the same hearings, and the same rights, accorded to the Judge of said Court, as provided in said Section 6, and shall remain in office until his successor shall qualify.

"Section 5. There is hereby created a Board, to be known as the Juvenile Board, which shall be composed of the Judges of the District Courts above mentioned, and the County Judge of Potter County, Texas. The members composing such Juvenile Board shall be allowed additional compensation of One Hundred Dollars (\$100.00) per annum, which shall be paid annually.

"Section 6. By and with the approval of the Commissioners' Court of Potter County, Texas, the Juvenile Board shall have the power, authority and duty of appointing, by majority vote, the Judge of said Court of Domestic Relations, whose term of office shall be for a period of four (4) years from and after his appointment and qualification, and until his successor is appointed and has qualified, for each term. Said Judge shall be subject to removal from office by the Juvenile Board for incompetence, malfeasance and misfeasance in office, or for conduct unbecoming a member of the Judiciary, upon complaint duly filed with, or instituted by the Juvenile Board, and after the same is established in a fair and open trial by the Juvenile Board. Said Board and its members shall give counsel and advice to the Judge of the Court of Domestic Relations when deemed necessary or when sought by him, and cooperate with him in the administration of the affairs of the court.

"Section 7. It shall be the duty of all officers, agents and employees of the child welfare board, county welfare office, county health officer, sheriff and constables within Potter County to furnish to said Court such services in the line of their respective duties as shall be required by said court.

"Section 8. The judge of the Court of Domestic Relations shall have authority to appoint such juvenile officers and investigators as might be deemed necessary to the proper administration of its jurisdiction in Potter County, provided such appoint-

ments are approved by the commissioners' court of such county and shall also have authority to appoint a court reporter in such cases as he shall deem it necessary to record and preserve the testimony, utilizing the services of the regular district court reporter and his assistants when possible, the salaries and compensation of such juvenile officers and court reporter to be determined and paid by the commissioners' court of Potter County for the services rendered herein.

"Section 9. The judge of the Court of Domestic Relations herein created shall have power to issue injunctions, temporary injunctions and restraining orders and such other writs as are now or hereafter may be issued under the laws of this State by district courts, when necessary in cases or matters in which said court has jurisdiction, and also power to punish for contempt.

"Section 10. The first term of such Court of Domestic Relations shall begin when the judge thereof is duly selected and qualified and remain in session until the first day of the following September and its terms shall thereafter begin on the first day of September of each year and remain in session continuously to and including the thirty-first day of August of the next year.

"Section 11. Appeals in all civil cases from judgments and orders of said court shall be to the Court of Civil Appeals of the Seventh Supreme Judicial District as now or hereafter provided for appeals from district and county courts and in all criminal cases appeals shall be to the Court of Criminal Appeals.

"Section 12. The practice and procedure, rules of evidence, selection of juries, issuance of process and all other matters pertaining to the conduct of trials and hearings in said court shall be governed by the laws and rules pertaining to district and county courts; provided that juries shall be composed of six members.

"Section 13. The District Attorney of the 47th Judicial District and the County Attorney of Potter County shall be responsible for the prosecution of all cases of a criminal nature in said Court of Domestic Relations.

"Section 14. All cases, indictments, complaints and other matters over which the Court of Domestic Relations is herein given jurisdiction

may be transferred to or instituted in said Court, but the judge of said court may transfer any such cases or matters to the county or district court having jurisdiction thereof under the laws of the State, to be tried in such court to which such transfer is made, with the permission and consent of the judge thereof.

"Section 15. If any section, clause or part of this Act shall be held invalid, it is hereby declared to be the intention of the Legislature that the remainder thereof not held invalid shall remain in effect, and the validity of the remainder of this Act shall not be affected thereby.

"Section 16. The fact that there is a present imperative need for combining all matters affecting domestic relations under the authority of a single court, and the fact that cases involving marital relationships and domestic relations generally are inextricably interwoven with problems of juvenile delinquency and dependent and neglected children requiring that all such matters be handled by a single court, and the further fact due to an extreme increase in the population of the territory covered by this court, and the resulting increase in the matters to be handled by such courts makes it impossible for the courts now in existence to handle the cases before them in a proper manner, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended; and this Act shall become effective from and after its passage, and it is so enacted."

Pending consideration of the amendment, Senator Weinert occupied the chair temporarily.

(President in the Chair)

Question recurring on the amendment, it was adopted.

On motion of Senator Hazlewood and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 250 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 250 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Kelley of Hidalgo
Bell	Kelly of Tarrant
Bullock	Lane
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Vick
Jones	

Nays—3

Hardeman	Weinert
Martin	

Absent

Lock	Shofner
McDonald	Tynan
Moffett	

Absent—Excused

Ashley	Bracewell
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Bell	Kelly of Tarrant
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	

Nays—5

Aikin	Martin
Hardeman	Weinert
Lane	

Absent

Lock	Shofner
McDonald	

Absent—Excused

Ashley	Bracewell
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Senate Joint Resolution 16 on First Reading

The following Joint Resolution was introduced, read first time and referred to the committee indicated:

By Senator Proffer:

S. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas by amending Section 21 of Article I of the Constitution of Texas so as to provide that any person who shall be convicted of the offense of murder shall be precluded from inheriting from the person so murdered and from whom he would inherit under the laws of descent and distribution of this State.

To the Committee on Constitutional Amendments.

Motion to Recommit House Bill 651

Senator Kelly of Tarrant moved that H. B. No. 651 be recommitted to the Committee on State Affairs.

Senator Strauss moved to table the motion to recommit the bill.

The motion to table prevailed by the following vote:

Yeas—19

Aikin	McDonald
Bullock	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer
Kelley of Hidalgo	Strauss
Lane	Taylor
Lock	Tynan
Martin	

Nays—4

Colson	Vick
Kelly of Tarrant	Weinert

Absent

Bell	Cousins
Carney	Jones
Corbin	Shofner

Absent—Excused

Ashley	Bracewell
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House Bill 651 on Second Reading

Senator Strauss moved to suspend the regular order of business to take up House Bill No. 651 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Lock
Bullock	McDonald
Carney	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan

Nays—6

Colson	Martin
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Bell	Shofner
Corbin	

Absent—Excused

Ashley	Bracewell
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The President then laid before the Senate on its second reading and passage to third reading:

H. B. No. 651, A bill to be entitled "An Act amending Acts 1937, Forty-fifth Legislature, page 1138, Chapter 460, the same being otherwise known and designated as Article 301d of Vernon's Annotated Penal Code, prohibiting Public School Fraternities, Sororities, and Secret Societies in all Public Schools of this State, including High Schools, Junior High Schools, and all Public Schools of lower grades; excepting all Universities and Colleges above the grade or rank of High Schools; defining terms; providing penalties; repealing all conflicting laws; providing a savings clause; and declaring an emergency."

The bill was read second time and was passed to third reading by the following vote:

Yeas—22

Aikin	Lock
Bullock	Martin
Carney	McDonald
Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer
Jones	Strauss
Kelley of Hidalgo	Taylor
Lane	Tynan

Nays—5

Bell Vick
Colson Weinert
Kelly of Tarrant

Absent

Corbin Shofner

Absent—Excused

Ashley Bracewell

House Bill 651 on Third Reading

Senator Strauss moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 651 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin Lock
Bullock Martin
Carney McDonald
Cousins Moffett
Hardeman Moore
Harris Morris
Hazlewood Phillips
Hudson Proffer
Jones Strauss
Kelley of Hidalgo Taylor
Lane Tynan

Nays—5

Bell Vick
Colson Weinert
Kelly of Tarrant

Absent

Corbin Shofner

Absent—Excused

Ashley Bracewell

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19

Aikin Lane
Carney Lock
Hardeman Martin
Harris McDonald
Hazlewood Moffett
Hudson Moore
Kelley of Hidalgo Morris

Phillips Taylor
Proffer Tynan
Strauss

Nays—5

Bell Vick
Colson Weinert
Kelly of Tarrant

Absent

Bullock Jones
Corbin Shofner
Cousins

Absent—Excused

Ashley Bracewell

House Bill 550 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 550, A bill to be entitled "An Act appropriating the sum of Two Million, Seven Thousand, Eight Hundred Seven and no/100 (\$2,007,807.00) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1949, and ending August 31, 1951, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education and for the vocational rehabilitation of disabled persons according to the Federal laws governing vocational education and rehabilitation, all of which shall be matched by Federal funds; etc.; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 550 by striking out all of line 2, Section 2 after the word "regulations" and all of lines 3 and 4 to and including the word "regulation" in line 4.

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 550 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 550 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—1

Weinert

Absent

Corbin	Lane
Cousins	Shofner

Absent—Excused

Ashley	Bracewell
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—1

Weinert

Absent

Corbin	Lane
Cousins	Shofner

Absent—Excused

Ashley

Bracewell

Bills Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 116, A bill to be entitled "An Act providing a minimum Foundation School Program for nine (9) full months of the school year for each child of school age in the public free schools of Texas and establishing the eligibility requirements for grants from the Foundation School Fund applicable to all Texas public school districts in connection therewith; designating the procedure and means by which such program shall be financed; providing a minimum base salary schedule plus increments for teaching experience for public school teachers and repealing all laws in conflict therewith; etc.; and declaring an emergency."

H. B. No. 52, A bill to be entitled "An Act creating Lamar State College of Technology at Beaumont, Texas; providing for work at said college suitable to a College of Technology of the first class; providing for courses of study to be offered; providing for the organization, control and management thereof, the appointment of a Board of Regents and the selection of a president; providing for the granting of appropriate degrees and giving of special courses in certain subjects; providing for the acquisition of additional land where necessary for the enlargement of the work of said college; etc., and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to authorize banks, building and loan associations, and Federal Savings and Loan Associations domiciled in this State to close their respective places of business at any time authorized by their board of directors, and declaring an emergency."

S. B. No. 31, A bill to be entitled "An Act to amend Section 45 of Senate Bill 111, Chapter 61, page 100, of the General Laws passed by the Second Called Session of the 41st Legislature, and declaring an emergency."

S. B. No. 36, A bill to be entitled "An Act amending Article 2094 of

the Revised Civil Statutes of 1925, as amended by Acts of the 41st Legislature, Regular Session, 1929, Chapter 43, page 89, paragraph 1, relating to the selection of jurors for service in the District and County Courts, and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act to authorize West Texas State College to own and operate an airport and to accept Federal aid and money for such purposes, etc., and declaring an emergency."

Executive Session

At 11:45 o'clock a.m., the President announced that the hour previously agreed upon for an executive session had arrived.

Accordingly, the President directed those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

TO BE BRANCH PILOT FOR THE GALVESTON BAR AND HOUSTON SHIP CHANNEL for two year term to expire April 28, 1951: Captain Charles H. McLean of Harris County, Texas.

TO BE MEMBERS OF THE BOARD OF REGENTS OF NORTH TEXAS STATE COLLEGE for six year terms to expire May 25, 1955: James Henry Allison of Wichita Falls, Wichita County; Mrs. E. B. Cartwright of Weatherford, Parker County; Ben H. Wooten of Dallas, Dallas County.

For four year terms to expire May 25, 1953: Charles I. Francis of Houston, Harris County; Robert H. Montgomery of Mexia, Limestone County; Edward D. Norment of Paris, Lamar County.

For two year terms to expire May 25, 1951: George Eagle of Fort Worth, Tarrant County; S. A. Kerr of Conroe, Montgomery County; Charles Robert McCrady of Waxahachie, Ellis County.

TO BE A MEMBER OF THE LIVESTOCK SANITARY COMMISSION to succeed L. J. Wardlaw of Fort Worth, term expiring May 4, 1955: Ray W. Willoughby of San Angelo, Tom Green County.

TO BE A MEMBER OF THE BOARD OF REGENTS, TEXAS STATE COLLEGE FOR WOMEN, to fill the unexpired term of the late Mrs. Edwin T. Phillips, term to expire January 10, 1953: Mrs. Carney B. Fletcher of Hempstead, Waller County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:05 o'clock p.m.

House Concurrent Resolution 35

On motion of Senator Morris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 35, Creating a committee to be known as the "Insurance Code Committee" to study the Statutes of this State affecting the business of insurance, and to recommend an arrangement of the Statutes under a single code or title.

The resolution was read.

Senator Morris offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 35 by striking out the words and figures "six (6)" in lines 38 and 39 on page 1, and also in line 12 on page 2, and inserting in lieu thereof the words and figures "five (5)"; and by striking out the words and figures "four (4)" in line 42, on page 1, and in line 13, on page 2, and inserting in lieu thereof the words and figures "five (5)".

The amendment was adopted.

Senator Morris offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 35 by striking out all of the last resolving clause and inserting in lieu thereof the following:

"Resolved, That the Members of the Committee shall receive their actual expenses for meals and lodging for each day actually and necessarily used in the discharge of their duties

as members of the Committee; that the members of the Committee shall receive their expenses for transportation and mileage allowance upon the basis set out in the General Appropriation Act for the State Departments, and that the regularly employed personnel, whether professional, technical or clerical, of said Committee, shall be paid at the rates of salary and in the manner set by the Committee, and the travel expenses of such employees shall be governed by the regulations adopted by the Committee.

The amendment was adopted.

Senator Harris offered the following amendment to the resolution:

Amend H. C. R. No. 35, page 3, by striking out the words and figures "Thirty Thousand Dollars (\$30,000)" and inserting in lieu thereof the words and figures "Twenty-five Thousand Dollars (\$25,000)".

The amendment was adopted.

The resolution as amended was adopted by the following vote:

Yeas—25

Aikin	Lane
Bell	Lock
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—3

Hardeman	Weinert
Martin	

Absent

Shofner

Absent—Excused

Ashley	Bracewell
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**Conference Committee on
House Bill 737**

Senator Strauss called from the President's table for consideration at this time, the request of the House for a conference committee to adjust

the differences between the two Houses on H. B. No. 737 and moved that the request be granted.

The motion to grant the request prevailed.

House Concurrent Resolution 123

The President laid before the Senate for consideration at this time:

H. C. R. No. 123, Granting the House permission to adjourn from June 2, 1949 until Monday, June 13, 1949.

The resolution was read.

Senator Morris raised a point of order against consideration of the resolution on the ground that a House concurrent resolution shall be referred to an appropriate committee when first read and shall not be considered immediately unless so directed by a two-thirds vote of the members present.

The President sustained the point of order.

Senator Moffett moved to consider the resolution immediately.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Bell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Nays—2

Lane	Morris
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Absent

Shofner

Absent—Excused

Ashley	Bracewell
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The resolution was read second time.

Senator Carney offered the following amendment to the resolution:

Amend House Concurrent Resolution 123 by adding "both Houses of the Legislature" shall have the right to adjourn until Monday, June 13th.

The amendment was lost by the following vote:

Yeas—9

Bullock	Moffett
Carney	Strauss
Cousins	Taylor
Hudson	Weinert
Lock	

Nays—18

Aikin	Lane
Bell	Martin
Colson	McDonald
Corbin	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Jones	Tynan
Kelly of Tarrant	Vick

Absent

Kelley of Hidalgo Shofner

Absent—Excused

Ashley Bracewell

Question recurring on the resolution, it was adopted.

Motion to Adjourn

Senator Carney moved that the Senate adjourn until 10:30 o'clock a.m., Monday, June 6, 1949.

The motion was lost by the following vote:

Yeas—7

Bullock	Lock
Carney	Moffett
Cousins	Weinert
Hudson	

Nays—21

Aikin	Martin
Bell	McDonald
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Absent

Shofner

Absent—Excused

Ashley Bracewell

Conference Committee on House Joint Resolution 7

Senator Proffer called for consideration at this time the motion by Senator Taylor to reconsider the vote by which the Senate granted the request of the House for a conference committee on H. J. R. No. 7.

Question—Shall the motion to reconsider prevail?

The motion to reconsider prevailed by the following vote:

Yeas—14

Carney	Martin
Cousins	Moffett
Hazlewood	Morris
Hudson	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Weinert

Nays—13

Aikin	Kelley of Hidalgo
Bell	McDonald
Colson	Moore
Corbin	Phillips
Hardeman	Proffer
Harris	Vick
Jones	

Absent

Bullock Shofner

Absent—Excused

Ashley Bracewell

Question—Shall the request of the House for a conference committee on H. J. R. No. 7 be granted?

The motion to grant the request prevailed.

House Bill 451 on Second Reading

On motion of Senator Kelley of Hidalgo and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 451, A bill to be entitled "An Act to validate the organiza-

tion and creation of all junior college districts, created or attempted to be created in any manner under the provisions of Chapter 290, Acts of the Regular Session of the Forty-first Legislature in 1929, and any amendments thereof; validating all proceedings and acts of the Boards of Trustees of all independent school districts heretofore taken in the creation of junior college districts; validating all proceedings and acts of the Board of Trustees of independent school districts, county boards of school trustees, boards of education or other governing bodies of junior college districts heretofore taken with respect to any such junior college districts; validating all bonds heretofore issued and all bonds heretofore voted but not yet issued by any junior college district; validating all ad valorem taxes levied by the governing bodies of junior college districts; enacting provisions incident and relating to the subject and purpose of this Act and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 451 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 451 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lock
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Bullock	Shofner
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Absent—Excused

Ashley	Bracewell
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lock
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

Absent

Bullock	Shofner
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Absent—Excused

Ashley	Bracewell
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Senate Bill 493 on Second Reading

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 493, A bill to be entitled "An Act authorizing and directing The Board of Regents of The University of Texas to establish a Medical Department of The University of Texas at a location within the State of Texas, other than Galveston, Texas; authorizing The Board of Regents of the University of Texas to prescribe courses leading to customary degrees and to make such rules and regulations for the operation, control, and management of such school as may be necessary for its conduct as a Medical College of the first class; authorizing The Board of Regents of the University of Texas to fix the amount of tuition and fees to be charged at said Medical Branch and appropriating same for the use and benefit of said Medical Branch unless otherwise provided by a legislative enactment; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the passage of the bill to engrossment.

Senate Bill 493 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 493 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—2

Lock	Phillips
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Absent

Bullock	Shofner
Cousins	Weinert

Absent—Excused

Ashley	Bracewell
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Lane
Bell	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	

Nays—2

Lock	Phillips
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Absent

Bullock	Shofner
Cousins	

Absent—Excused

Ashley	Bracewell
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House Bill 783 on Second Reading

On motion of Senator Kelly of Tarrant and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 783, A bill to be entitled "An Act to appropriate Ten Thousand (\$10,000.00) Dollars for the Live Stock Sanitary Commission to pay traveling and subsistence expenses supplementing the appropriation for traveling expenses made for the biennium ending August 31, 1949; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 783 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 783 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lock
Bell	Martin
Colson	McDonald
Cousins	Moffett
Hardeman	Morris
Harris	Phillips
Hudson	Proffer
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Bullock	Moore
Carney	Shofner
Corbin	Weinert
Hazlewood	

Absent—Excused

Ashley	Bracewell
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The President then laid the bill

before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Lock
Bell	Martin
Colson	McDonald
Cousins	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Absent

Bullock	Shofner
Carney	Weinert
Corbin	

Absent—Excused

Ashley	Bracewell
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Senate Bill 491 on Second Reading

On motion of Senator Bell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 491, A bill to be entitled "An Act to create Road District No. 18 in Jackson County, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 491 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 491 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Hazlewood
Bell	Hudson
Bullock	Jones
Colson	Kelley of Hidalgo
Corbin	Kelly of Tarrant
Hardeman	Lane
Harris	Lock

Martin	Proffer
McDonald	Strauss
Moffett	Taylor
Moore	Tynan
Morris	Vick
Phillips	

Absent

Carney	Shofner
Cousins	Weinert

Absent—Excused

Ashley	Bracewell
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Bell	Lock
Bullock	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent

Carney	Weinert
Shofner	

Absent—Excused

Ashley	Bracewell
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Motion to Place House Bill 604 on Second Reading

Senator Jones moved to suspend the regular order of business to take up House Bill No. 604 for consideration at this time.

The motion was lost by the following vote (not receiving the necessary two-thirds vote of the members present):

Yeas—15

Aikin	Jones
Bell	Kelley of Hidalgo
Bullock	McDonald
Corbin	Moore
Hardeman	Phillips
Harris	Proffer

Strauss
Tynan

Vick

Nays—8

Colson	Lock
Cousins	Martin
Hudson	Moffett
Lane	Taylor

Absent

Carney	Morris
Hazlewood	Shofner
Kelly of Tarrant	Weinert

Absent—Excused

Ashley	Bracewell
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Senate Bill 145 With House Amendments

Senator Lane moved to reconsider the vote by which the Senate concurred in the House amendments to S. B. No. 145.

The motion to reconsider prevailed.

Question—Shall the Senate concur in the House amendments to the bill?

The Senate concurred in the House amendments by the following vote:

Yeas—24

Aikin	Lock
Bell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—1

Jones

Absent

Carney	Shofner
Kelley of Hidalgo	Weinert

Absent—Excused

Ashley	Bracewell
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Motion to reconsider Vote on Passage Of House Bill 97

Senator Vick moved to reconsider the vote by which H. B. No. 97 was, on yesterday, passed and asked to

have the motion to reconsider spread on the Journal.

Senator Hudson called for consideration at this time, the motion to reconsider the vote by which H. B. No. 97 was passed.

Question—Shall the motion to reconsider prevail?

Senator Vick then withdrew the motion to reconsider.

House Concurrent Resolution 125

The President laid before the Senate for consideration at this time:

H. C. R. No. 125, Authorizing the Enrolling Clerk to make certain corrections in H. B. No. 683.

The resolution was read and was adopted.

Adjournment

On motion of Senator Taylor, the Senate at 1:35 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, June 6, 1949.

Record of Vote

Senator Jones asked to be recorded as voting "nay" on the motion to adjourn.

FIFTY-FIFTH DAY

(Monday, June 6, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

Absent

Bullock